child's support since the decree. *Held,* defendant's duty to support his minor child was unimpaired by the divorce. *Desch* v. *Desch* (Colo. 1913), 132 Pac. 60.

The weight of authority is apparently opposed to the doctrine in the principal case. PECK, DOM. REL., § 258; *Hall* v. *Green,* 82 Me. 122, 47 Am. St. Rep. 311; *Husband* v. *Husband,* 67 Ind. 583, 33 Am. Rep. 107; *Brow* v. *Brightman,* 136 Mass. 187; *Johnson* v. *Onsted,* 74 Mich. 437; *Brown* v. *Smith,* 19 R. I. 319, 30 L. R. A. 680; *Ramsey* v. *Ramsey,* 121 Ind. 215, 23 N. E. 69, 6 L. R. A. 682; *Hampton* v. *Allee,* 56 Kan. 461, 43 Pac. 779; *Cushman* v. *Hassler,* 82 Iowa 295, 47 N. W. 1036. It would seem that, as the husband is the guilty party to the divorce, he should not be rewarded by being absolved from liability to support his children. And in *Spencer* v. *Spencer,* 97 Minn. 56, 114 Am. St. Rep. 695, 2 L. R. A. N. S. 851, 7 Ann. Cas. 901; *Pretzinger* v. *Pretzinger,* 45 Ohio St. 452, 4 Am. St. Rep. 542; *Gibson* v. *Gibson,* 18 Wash. 489, 40 L. R. A. 587; *Zilley* v. *Dunwiddie,* 98 Wis. 428, 67 Am. St. Rep. 820; *Graham* v. *Graham,* 88 Pac. 852, 8 L. R. A. N. S. 1270; and *White* v. *White,* (Mo.) 154 S. W. 872, he is held liable. In the exhaustive note on this subject in 2 L. R. A. N. S. 851, the annotator declares the modern weight of authority is with the principal case. See also 7 Ann. Cas. 901 and 13 COL. L. REV. 645.

JURY—DENIAL OF RIGHT TO TRIAL BY JURY.—In the lower court a request for a verdict for the defendant had been denied. On exceptions the Supreme Judicial Court found that, on all the evidence, the request of the defendant should have been granted, and all the exceptions of the prevailing party overruled. St. 1909, c. 236 provided that in such cases the court may direct the entry of judgment for the party in whose behalf the request was made and erroneously refused. It was objected that such a statute was unconstitutional as the procedure provided for was an abridgment of the right of "trial by jury" given by the Bill of Rights, article 15. *Held,* that the statute was constitutional, as it was applicable only where a question of law was present and not one of fact. *Bothwell* v. *Boston Elevated Ry. Co.* (Mass. 1913), 102 N. E. 665.

The decision in this case is directly contrary to that of the United States Supreme Court in *Slocum* v. *N. Y. L. Ins. Co.,* 225 U. S. 364. The Massachusetts court expresses a vigorous disapproval of the holding in the *Slocum* case, and of the reasoning upon which it was based. The reasoning of the Massachusetts court is, in fact, along the same line as that of the dissenting justices in the *Slocum* case, that trial by jury is not a rigid and unchanging system but has a certain degree of flexibility in its adaptation of details to the changing needs of society without in any degree impairing its essential character. The decision in the principal case is in harmony with many other courts. *Hay* v. *Baraboo,* 127 Wis. 1, 105 N. W. 654, 3 L. R. A. N. S. 84, 115 Am. St. Rep. 977.

MASTER AND SERVANT—HABITUAL DISREGARD BY EMPLOYEES OF WARNING NOTICE AS CONSTITUTING WAIVER OF NOTICE.—An employee was killed while riding on a freight elevator, which was negligently constructed, on the em-